

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15695 of 2016

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Dev Jyoti, Son of Late Amitabh Chatterjee, resident of Dhiraj Commercial
Complex, Boring Road, P.S. Shrikrishnapuri, Town and District Patna

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department, of Home (Police), Government of Bihar, Patna
2. The Principal Secretary, Department, of Home (Police), Government of Bihar, Patna
3. The Director General and Inspector General of Police, Bihar , Patna
4. The Additional Director General of Police (Headquarter), Bihar, Patna
5. The Inspector General of Police, Patna Zone, Patna
6. The Deputy Inspector general of Police, Patna Range, Patna
7. The Senior Superintendent of Police , Patna
8. The Deputy Superintendent of Police, Sachiwalaya, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Bahadur Singh, Sr. Advocate
For the Respondent/s : Mr. Partha Sarthi, GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 04-10-2018

Heard learned counsel for the petitioner and the respondent-State.

The present writ application has been filed for providing security guard to the petitioner, who claims threat perception to his life.

It is submitted by learned Sr. Counsel for the petitioner that the petitioner claims to be the Vice President of a political



party, namely, Yuva Rashtriya Janta Dal, in addition to that the petitioner is also a businessman. Earlier, an attempt was made to abduct the petitioner for which Shrikrishnapuri P.S. Case No. 198 of 1998 was registered on 15.12.1998. The Deputy Superintendent of Police, Sachiwalaya, Patna vide Memo No.2783 dated 13.10.1999 recommended the case of the petitioner to the Sr. Superintendent of Police, Patna for being provided a body guard. But when Sr. Superintendent of Police delayed in taking any decision, the petitioner came before this Court by filing CWJC No. 6392 of 2000, which was disposed of vide order dated 25.07.2000, as contained in Annexure-3 with a direction to the Sr. Superintendent of Police, Patna to consider the representation of the petitioner, keeping in view the recommendation made by the Deputy Superintendent of Police for providing of a bodyguard to the petitioner. Though the petitioner was provided a bodyguard in 1998, but it appears that a case was lodged against the petitioner in 2008 being Shrikrishnapuri P.S. Case No. 152 of 2008 thereafter the body guard was withdrawn leading to filing of another writ application bearing CWJC No. 13956 of 2009, which was disposed of by a Bench of this Court vide order dated 04.11.2009, as contained in Annexure-13, with liberty to the



petitioner to make a representation before the Sr. Superintendent of Police, Patna for fresh consideration of the matter in accordance with the directions given in the writ application. Subsequently, the petitioner made several representations before the authorities concerned. Thereafter, vide Memo No.16814 dated 24.12.2009, issued under the signature of the Sr. Superintendent of Police, Patna, the petitioner was informed that if he desires he can obtain bodyguard on payment basis, which gets reflected from Annexure-15. The petitioner was provided bodyguard from since 1998 till 2008, excluding some intervening period. Subsequently, the Sr. Superintendent of Police, vide Memo No.6656 dated 15.06.2015 informed the petitioner to deposit Rs.14,02,832/- towards deputation of body guard, failing which, the bodyguard which was deputed for the security of the petitioner shall be withdrawn. It is further submitted that many persons like the petitioner have been provided body guard without payment. List of such persons have been mentioned in paragraph no.2 of the supplementary affidavit. Learned counsel for the petitioner lastly submits that since, a State Level Special Security Committee has now been constituted for taking decision with regard to providing bodyguards, but the case of the petitioner has not been



considered by the said Committee till date, let the matter be considered by the said Security Committee.

Learned AC to GA-4, relying upon the counter affidavit filed on behalf of Respondent Nos. 3 to 8, submits that he has no objection with regard to reconsideration of the issue of the petitioner for providing bodyguard by the State Level Special Security Committee. However, he submits that though the petitioner was provided the bodyguard on payment basis, but he failed to make payment and until the payment is made it is difficult to provide bodyguard to him.

After having heard counsels for the parties, this Court find that the petitioner was provided bodyguard on payment basis, but since he failed to make payment, the bodyguard was withdrawn and it was not provided further. Hence, this Court is not inclined to interfere, so far as this aspect of the matter is concerned. So far as the issue with regard to payment of due amount against the bodyguard provided to the petitioner between 1998 to 2000 is concerned, since the petitioner has not prayed for any relief, in the present writ application with regard to the same, this Court refrains itself from making any observation with regard to payment of the due amount.

However, the question, whether the petitioner deserves the police body-guard or not, on payment basis, it has to be



decided by the State Level Security Committee specially constituted for it. Previously, for the issue with regard to providing police body-guard, there used to be a Committee at the District level, known as District Security Committee and at the Divisional Level, known as Divisional Security Committee, constituted, vide Resolution No. 16434 dated 30.12.1999, issued by the Department of Home, Special Branch, Government of Bihar, but in view of the directives of Ministry of Home, Government of India, vide Memo No. 3663, dated 2nd May, 2017, issued under the signature of Additional Secretary, Department of Home, Special Branch, Government of Bihar, the District Level and Divisional Level Security Committee have been dissolved and State Level Committee, known as Special Security Committee has been constituted, under the Chairmanship of Director General, Security, Bihar with Superintendent of Police, Security, Bihar and Assistant to Director General, (Q) as its member and parameters have been fixed for providing body-guards by the State by categorizing different people. The said committee categories of public authorities, including the prosecution authorities as well as the administrative officers and the police officers for providing body guards. Clause 3 of the said parameters suggests that the meeting of the Special Committee



has to be held once in a month.

This is not in dispute that the issue with regard to providing body guard to the petitioner has not been considered till date by the Special Security Committee. Hence, this Court gives an opportunity to the petitioner to submit an application before the Special Security Committee within a period of three weeks from the date of receipt/production of a copy of this order, when it is expected from the Special Security Committee to consider the issue and dispose of the application of the petitioner in accordance with the law within a period of eight weeks from its submission.

Accordingly, with the observation and direction made above, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

